

**REMARKS**

Entry of the foregoing amendments is respectfully requested.

**Summary of Amendments**

By the foregoing amendments claims 1, 2, 4, 6 and 16-29 are cancelled and claims 30-55 are added, whereby claims 30-55 will be pending, with claims 30, 40 and 50 being independent claims.

Support for the new claims can be found throughout the present specification and in particular, the original claims and pages 2, 3, and 7-11 of the specification.

Applicants emphasize that the cancellation of claims 1, 2, 4, 6 and 16-29 is without prejudice or disclaimer, and Applicants expressly reserve the right to prosecute the cancelled claims in one or more continuation and/or divisional applications.

**Summary of Office Action**

Claims 1, 2, 4, 6 and 16-29 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Claims 1, 2, 4, 6 and 16-29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 1, 2, 6, 17, 18 and 21-28 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Murayama et al. U.S. Patent No. 5,633,070 (hereafter

P29695.A01

"MURAYAMA") in view of Van Gompel, U.S. Patent No. 4,753,840 (hereafter "VAN GOMPEL").

Claims 4 and 29 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MURAYAMA in view of VAN GOMPEL and in view of Haffner et al., U.S. Patent No. 6,096,014 (hereafter "HAFFNER").

Claims 6, 19 and 20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MURAYAMA in view of VAN GOMPEL and in view of Masatoshi, GB 2 252 528 (hereafter "MASATOSHI").

#### Response to Office Action

Reconsideration and withdrawal of the rejections of record are respectfully requested in view of the foregoing amendments and the following remarks.

#### *Response to Rejection of Claims under 35 U.S.C. § 112, First Paragraph*

Claims 1, 2, 4, 6 and 16-29 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The rejection alleges that the recitation "which is not made from styrene-isoprene-styrene block polymer" in claims 1 and 23 is new matter.

Applicants note that the claims submitted herewith do not recite the phrase which gave rise to this rejection, wherefore the rejection is moot.

***Response to Rejection of Claims under 35 U.S.C. § 112, Second Paragraph***

Claims 1, 2, 4, 6 and 16-29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The rejection alleges that there is insufficient antecedent basis for the phrase “the second component” recited in claims 1 and 23.

Applicants note that the claims submitted herewith do not recite the phrase which gave rise to this rejection, wherefore this rejection is moot as well.

***Response to Rejection of Claims under 35 U.S.C. § 103(a)***

Claims 1, 2, 6, 17, 18 and 21-28 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MURAYAMA in view of VAN GOMPEL, claims 4 and 29 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MURAYAMA in view of VAN GOMPEL and in view of HAFFNER, and claims 6, 19 and 20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MURAYAMA in view of VAN GOMPEL and in view of MASATOSHI.

The rejections essentially allege that MURAYAMA discloses the elements recited in claims 1, 2, 6, 17, 18 and 23-28 with the exception of the microembossed effect and the macroembossed effect and that VAN GOMPEL teaches “that it is old and well-known in the analogous art to have an elastic textile sheet having either a microembossed effect or a macroembossed effect ... for the purpose of providing a softer textile feel to the resulting laminate, both on the film side and for the textile side.” With regard to claims 21 and 22, the rejection concedes that MURAYAMA fails to disclose that the laminate shows no more than 10 % permanent deformation in the longitudinal/transverse direction after elongation

P29695.A01

of 50 % and 100 % of its original length but alleges that the permanent deformation of the laminate of MURAYAMA would be readily determined through routine experimentation by one having ordinary skill in the art depending on the desired end results.

With respect to claims 4 and 29, the rejection asserts that HAFFNER allegedly "teaches that it is old and well-known in the art to have a copolymer of ethylene and a-olefin (sic) having a carbon number C<sub>4</sub>-C<sub>12</sub>, where the copolymer has a melt index of from 1 to 20 g/(10 min) and a density of from 860 to 900 kg/m<sup>3</sup> ... for the purpose of producing a thermoplastic film with effective barrier properties and stability."

With respect to claims 16, 19 and 20, the rejection concedes that both MURAYAMA and VAN GOMPEL fail to disclose that the polymer film and both the polymer film and the textile sheet have a microembossed and macroembossed effect. In this regard, the rejection alleges that MATOSHI teaches "that it is old and well-known in the analogous art to have both a textile sheet and a polymer film with a microembossed and a macroembossed effect ...for the purpose of providing an elastic laminate with a softer textile feel."

Applicants note that the (independent) claims submitted herewith differ significantly from the rejected claims. Specifically, new independent claim 30 recites, *inter alia*, that the textile sheet is macroembossed and that the polymer film is microembossed. (In this regard, page 4, lines 17-19 of the present specification may be referred to.) Dependent claim 39 further recites that the macroembossed effect is transferred from the elastic textile sheet to the microembossed polymer film.

None of the documents cited in the present Office Action teaches or suggests that one layer of a laminate should be microembossed and another layer of the laminate should

be macroembossed. In this regard, Applicants note that the passage from page 10, line 28, to page 11, line 4 of MATOSHI relied on in the rejection merely states that it is "possible to manufacture the dressing in such a manner that, after the nonwoven fabric which has not been embossed and the plastics film are laminated, both of the nonwoven fabric and the plastics film are embossed."

This statement clearly fails to teach or suggest that the emboss on the nonwoven fabric and the plastics film should be different, let alone teaches or suggests that the nonwoven fabric should be macroembossed and the plastics film should be microembossed.

Independent claim 40 submitted herewith recites, *inter alia*, that the polymer film of the claimed laminate comprises a thermoplastic elastomer having a melt index of from 1 to 20 g/(10 min) and a density of from 860 to 900 kg/m<sup>3</sup>.

Applicants note that in the present Office Action it is asserted that HAFFNER "teaches that it is old and well-known in the art to have a copolymer of ethylene and a-olefin (sic) having a carbon number C<sub>4</sub>-C<sub>12</sub>, where the copolymer has a melt index of from 1 to 20 g/(10 min) and a density of from 860 to 900 kg/m<sup>3</sup> ... for the purpose of producing a thermoplastic film with effective barrier properties and stability." However, Applicants are unable to find in HAFFNER any disclosure regarding an ethylene copolymer having a density of from 860 to 900 kg/m<sup>3</sup>. The passages of HAFFNER relied on by the Examiner in this regard clearly do not support this allegation. Specifically, the copolymers listed in Table A in col. 4 of HAFFNER have densities of from 0.9155 to 0.917 g/cm<sup>3</sup>, i.e., significantly above 0.900 g/cm<sup>3</sup>.

Applicants further point out that the results described in Examples 1-4 and

P29695.A01

Reference Example 5 of the present Application show that the density of the copolymer(s) used for the polymer film unexpectedly has a significant effect on the (elastic) properties of the resultant laminate.

Specifically, all polymer films of the laminates of Examples 1-4 contain a polyolefin having a density in the range of from 0.860 to 0900 g/cm<sup>3</sup>, whereas the polymer film of Reference Example 5 is composed solely of a LDPE polymer having a density of 0.916 g/cm<sup>3</sup> (in both the outer layer and the tie layer).

It can readily be taken from the results set forth in Table 2 at page 12 of the present specification that the laminates of Examples 1-4 unexpectedly show significantly better properties in terms of tensile force required for 10-100 % elongation, permanent deformation after 10-100 % elongation and delamination than the laminate of Reference Example 5.

For example, the highest tensile force required for a 10 % longitudinal elongation for a laminate of Examples 1-4 is 11.9 N/inch, whereas it is 18.3 N/inch (more than 1.5 times higher) for the laminate of Reference Example 5.

The highest tensile force required for a 10 % transverse elongation for a laminate of Examples 1-4 is 6.7 N/inch, whereas it is 14.3 N/inch (more than twice as high) for the laminate of Reference Example 5.

The highest permanent longitudinal deformation after a 100 % elongation for a laminate of Examples 1-4 is 16 %, whereas it is 26 % (more than 1.6 times higher) for the laminate of Reference Example 5.

The highest permanent transverse deformation after a 100 % elongation for a laminate of Examples 1-4 is 10 %, whereas it is 27 % (2.7 times higher) for the laminate of

Reference Example 5.

Applicants respectfully submit that HAFFNER neither teaches nor suggests using a polyolefin having a density in the range from 0.860 to 0900 g/cm<sup>3</sup> for the polymer film of an elastic laminate thereof with a textile sheet, let alone teaches or suggests that highly improved elastic properties compared to the use of a polyolefin of higher density are associated therewith.

Independent claim 50 submitted herewith essentially recites the elements of both claim 30 and claim 40 and additionally recites that the polymer film comprises an outer layer and an inner tie layer, both of which comprise a thermoplastic polyolefin having a melt index of from 1 to 20 g/(10 min) and a density of from 860 to 900 kg/m<sup>3</sup>. Accordingly, the elastic laminate of claim 50 is even further remote from the (combined) laminates of the cited documents than those of claims 30 and 40.

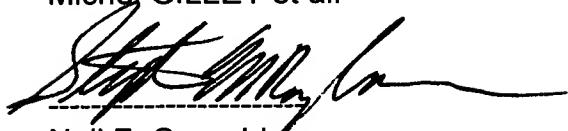
Applicants submit that for at least all of the reasons set forth above, the documents cited in the present Office Action fail to render obvious the subject matter of any of the claims submitted herewith, both alone and in any combination thereof. In view thereof, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

**CONCLUSION**

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, which action is respectfully requested. If any issues yet remain which can be resolved by a telephone conference, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

P29695.A01

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